

The 35 U.S.C. § 102 Rejection

Claims 1-6, and 9-25 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Reeder, U.S. Patent No. 5,852,812. This rejection is respectfully traversed.

Claims 1, 13-18, and 22-24 as amended include the limitation "said network flow data including data regarding the number of packets utilized by a user". Reeder does not teach this limitation.

Reeder teaches the tracking of time spent by a user and content used by recording the beginning and end of events (col. 6, lines 52-57). The invention in Reeder was designed to allow content providers to charge an additional fee for the right to access their service (col. 6, lines 9-18). Reeder limits itself to recording "events", such as downloading a file or logging off the system. These are events having discrete execution times. This is evidenced by the format of the event data structure, which includes a field for the date and time the event was logged (table 1).

The invention in Reeder is not designed, and cannot be used, to record and track data flow. Data flow may be used to track the number of packets utilized by an individual user. For example, data flow may be used to track that a user received and sent a total of 30000 packets during a one-hour period, and thus the fee may be adjusted accordingly. Alternatively, the data flow may be used to track that a user received and sent a total of 20000 IP packets and 10000 voice-over-IP packets, which may provide a separate charge if an ISP chooses to charge more for voice-over-IP packets.

Claims 1, 13-18, and 22-24 have been amended to make this distinction more clear. Additionally, claims 26-35 have been added which further distinguish the present invention.

Since claims 2-12, and 19-21 depend from claims 1, 13-18, and 22-24, it is respectfully maintained that they are also now in allowable form.

The 35 U.S.C. § 103 Rejection

Claims 7-8 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Reeder (U.S. Patent No. 5,852,812) in view of McCreery et al. (U.S. Patent No. 5,787,253). This rejection is respectfully traversed.

The same arguments made with respect to the other claims may be reiterated here.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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